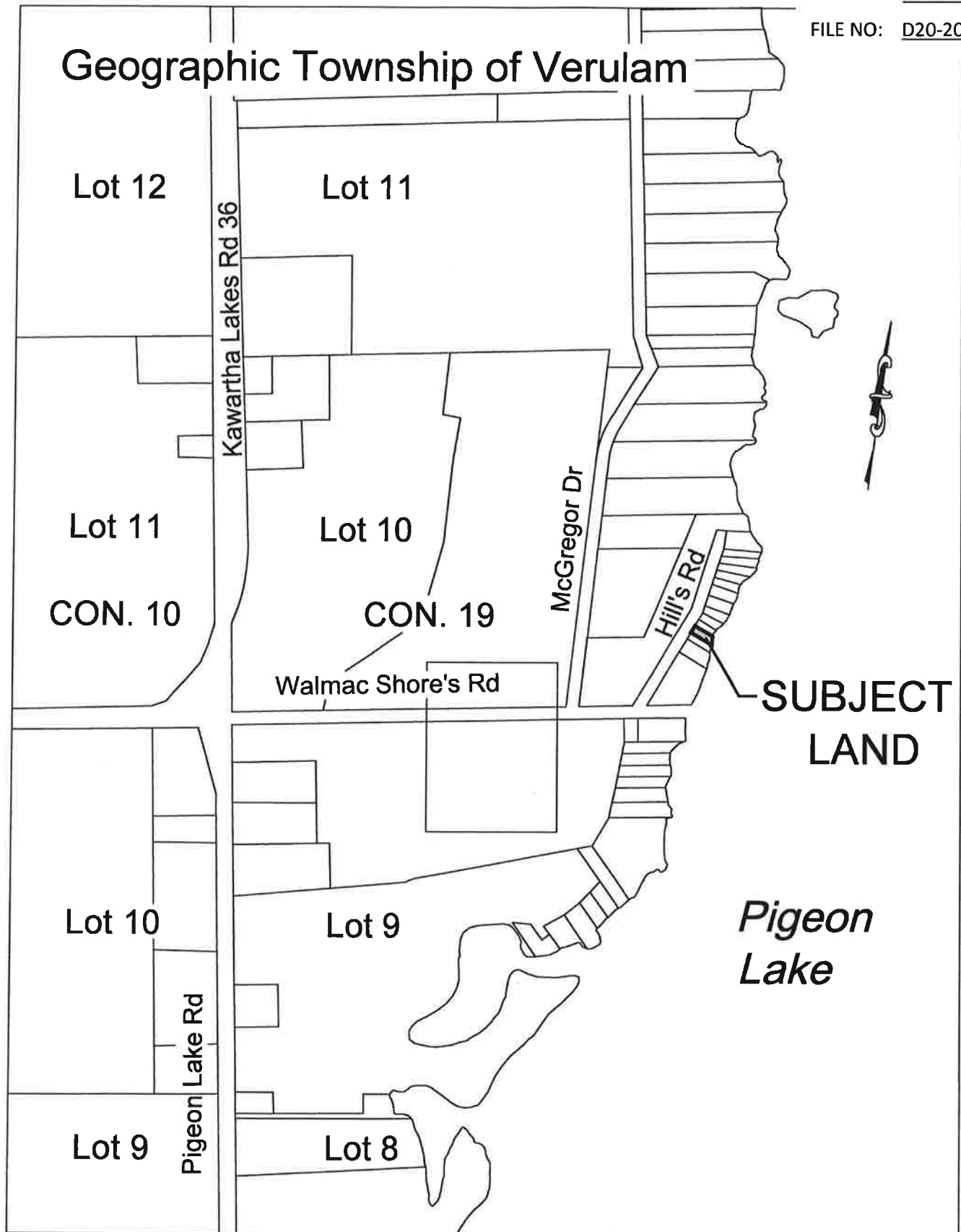


D20-2018-048

to
REPORT COA2018-062
FILE NO: D20-2018-048



18 Hills Road, geographic Twp. of Verulam



0.03 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES

APPENDIX " C "
to
REPORT COA2018-062
FILE NO. D20-2018-048

9 NOV 27 84	002
DATA 113 112	

LEGEND:

PROPERTY LINE

AREA TO REMAIN
(22.7 m²)

AREA TO BE
REMOVED (12.3 m²)

INTERIOR SIDE YARD WIDTH:

MINIMUM REGULATION—	3.0 m
PROPOSED—	2.29 m
VARIANCE—	0.71 m

INTERIOR SIDE YARD WIDTH:

MINIMUM REGULATION—3.0 m
PROPOSED—2.29 m
VARIANCE—0.71 m

DRIVEWAY

LAWRENCE

LAKE

SHORE LINE

STORAGE

NOTE: ALL DIMENSIONS ARE IN MILLIMETERS
UNLESS OTHERWISE NOTED

SITE PLAN – NEW CONDITIONS

SHEET #	DRAWN BY	CHECKED BY	PROJECT
J.K.			18 HILLS ROAD - ADDITION
SCALE	DATE	APPROVED BY	DRAWING
N.T.S.	02.04.2018		NEW CONDITIONS

CITY OF KAWARTHA LAKES

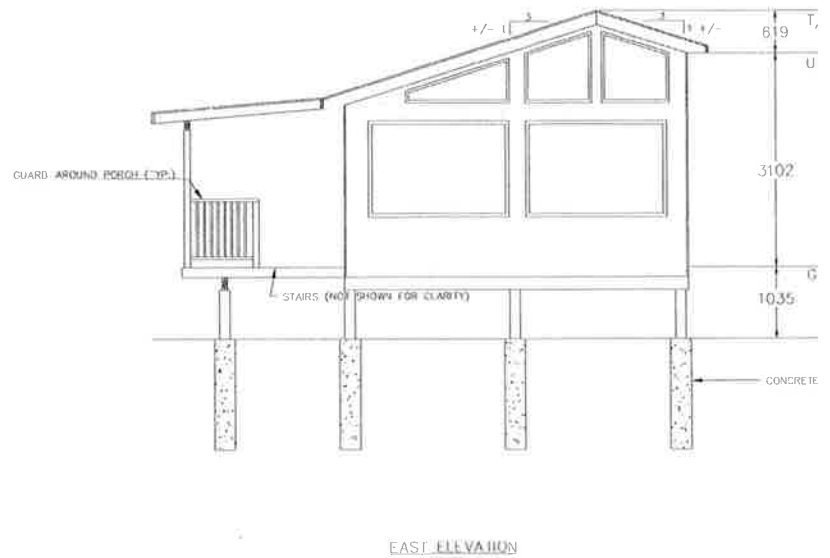
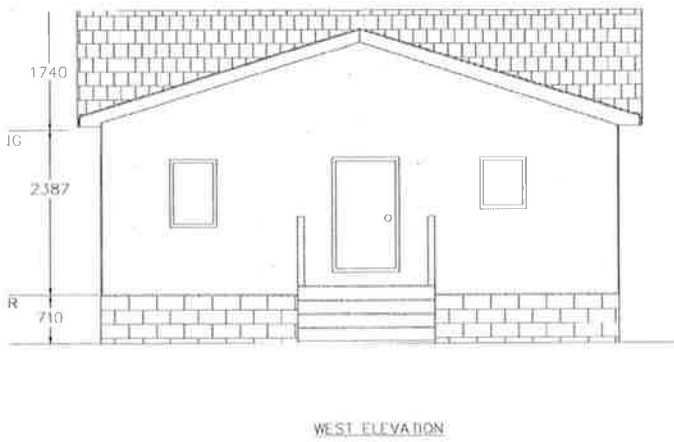
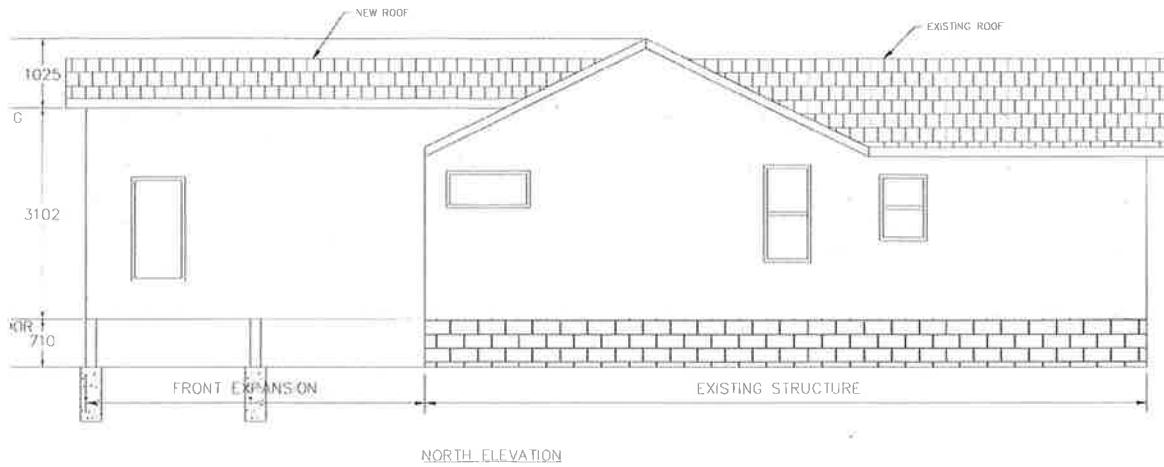
[illegible]

APPENDIX " D "

to

REPORT COA2018-062

FILE NO: D20-2018-048



to

REPORT COA2018-062**Charlotte Crockford-Toomey**

From: Derryk Wolven
Sent: Thursday, October 04, 2018 12:06 PM
To: Charlotte Crockford-Toomey
Subject: MV

FILE NO. D20-2018-048

Please see attached comments:

D20-2018-048	No concerns
D20-2018-049	No concerns
D20-2018-050	No concerns
D20-2018-051	No concerns
D20-2018-052	No concerns

Derryk Wolven, CBCO

Plans Examiner

Development Services, Building Division, City of Kawartha Lakes

705-324-9411 ext. 1273 www.kawarthalakes.ca



Parks Canada
Parcs Canada



Ontario Waterways

Trent-Severn Waterway National Historic Site &
Rideau Canal National Historic Site
PO Box 56, 2155, Ashburnham Drive
Peterborough, ON K9J 6Z6
705-750-4900
Fax: 705-742-9644

Voies navigables de l'Ontario

Lieu historique national du Canada de la Voie-Navigable-Trent-Severn &
Lieu historique national du Canada du Canal-Rideau
C.P. 567, 2155, promenade Ashburnham
Peterborough, ON K9J 6Z6
705-750-4900
Télécopieur: 705-742-9644

8500/T90-CKL-200

October 5th, 2018

Mark LaHay
Acting Secretary Treasurer
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

Dear Mr. Mark LaHay:

**RE: Application for Minor Variance
 18 Hills Road
 Plan 206, Lot 4,
 Geographic Township of Verulam, City of Kawartha Lakes
 FILE: D20-2018-048
 Pigeon Lake**

We have now had an opportunity to review the above-noted application for minor variance. Please note all proposed work within this minor variance application is outside the jurisdiction of the Parks Canada Agency. Therefore this office does not have any objections to this application.

After a review of our records we do not have any approved permits on file for this property. However our aerial photographs show that there is a large oversized boathouse with attached dock and other shoreline structures or works fronting this property. Due to the fact that there are no permits on record for any of these structures this office deems them to be unauthorized. Furthermore, the in-water and shoreline structures span beyond the approved development zone of 25% or 50 feet, whichever is less.

Please note that Pigeon Lake forms part of the Trent-Severn Waterway and is therefore under the jurisdiction and administration of the Parks Canada Agency, Trent-Severn Waterway. We would like to remind the applicant should they wish to undertake any shoreline or in-water works at this location they will require an approved permit from this office prior to the commencement of any work. This would include but is not limited to repair, replacement, new works and expansions of any works. Works can be described as anything that is in, on, under or over the water of Pigeon Lake such as docks, beach creation, shoreline stabilization, aquatic vegetation removal, boathouses etc...



Engineering & Corporate Assets Department
P.O. Box 9000, 12 Peel Street
Lindsay ON K9V 5R8
Tel: (705) 324-9411 Ext. 1152
Fax: (705) 324-2982
e-mail: csisson@kawarthalakes.ca
website: www.kawarthalakes.ca

MEMORANDUM

TO: Mark LaHay, Acting Secretary-Treasurer

CC: Kirk Timms, Engineering Technician
Kim Rhodes, Administrative Assistant
Charlotte Crockford-Toomey, Administrative Assistant

FROM: Christina Sisson, Supervisor, Development Engineering

DATE: October 9th, 2018

SUBJECT: Application for Minor Variance/Permission
D20-2018-048 – 18 Hills Road
Lot 4, Plan 206
Geographic Township of Verulam, City of Kawartha Lakes

The Development Engineering Division has reviewed the City of Kawartha Lakes Committee of Adjustment Notice of Public Hearing for Minor Variance as well as the Application for Minor Variance/Permission received on October 4th, 2018.

It is our understanding that the applicant is applying for a minor variance to request relief from Section 8.2(f) to reduce the minimum interior side yard width from 3 metres to 2.2 metres to permit a covered deck addition to single detached dwelling.

Further to our review of the above noted application, we confirm that we have no objection to the proposed minor variance and no engineering comments related to the proposed minor variance.

We respectfully request to be circulated should additional information be brought forward through the commenting period that changes the intent of the minor variance application and the corresponding report by Planning.

Please do not hesitate to contact our office if you have any questions.

Via E-Mail: mlahay@kawarthalakes.ca

Mark LaHay
Acting Secretary-Treasurer
Committee of Adjustment
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

Regarding: Application for Minor Variance – D20-2018-048
John/ Dana Kaminski
18 Hills Road, Lot 10 Con 19
Geographic Township of Verulam
City of Kawartha Lakes

Dear Mr. LaHay:

This Letter acknowledges the receipt of the above noted application. Kawartha Region Conservation Authority (KRCA) staff have reviewed this application and provided the following comments:

Application Purpose

It is our understanding that the purpose of this application is to request the following variance from the requirements of Zoning By-Law 6-87 (Township of Verulam), as amended, as it relates to:

- a) Relief from Provisions of Section 8 - Residential (R1) Zone, (F) to reduce side yard setback from 3 meters to 2.29 meters in order to facilitate a 24 m² addition and a 13.6 m² porch/deck to an existing cottage.

Through consultation with City of Kawartha Lakes Planning staff, Kawartha Conservation understands the addition and porch/deck to have been constructed without pre-consultation or the requisite permissions from this agency as well as the City of Kawartha Lakes Building Department. Kawartha Conservation staff would also like to note that the site plan (Drawing 002) provided with the application indicates the addition as being 22m², whereas the application (Section 5.2, page 4) states that the addition is 24m² in area.

Applicable Kawartha Conservation Regulations and Policies

Ontario Regulation 182/06 (as amended):

The subject property is within the KRCA's Regulated Area, as it fronts onto the shoreline of Pigeon Lake. Kawartha Conservation regulates the flooding and erosion hazard associated with this waterbody, plus an additional setback of 15 metres from the limit of the greatest hazard. Staff note that flooding hazard associated with Pigeon Lake is 246.9 metres above sea level (mASL) and that the addition and deck may encroach into the floodplain associated with this waterbody. As such, any development (or redevelopment) on site requires a Permit pursuant to Ontario Regulation

182/06 prior to site alteration. In accordance with Ontario Regulation 182/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended, permissions are required from Kawartha Conservation prior to any of the following works taking place:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) Development, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of lands may be effected by the development.

Development is defined as:

- a) The construction, reconstruction, erection or placing of a building or structure of any kind,
- b) Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- c) Site grading or, the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Without the topographic information to confirm that the location of the proposed addition is outside the floodplain, staff cannot confirm that it would meet policy, however pursuant to Kawartha Conservation Policies 4.5.2(3) a. & b., minor ground floor additions to existing residential dwellings located within a flooding hazard may be permitted, subject to a series of conditions. Once the topographic survey is done, it can be confirmed if the existing dwelling and addition/deck are in (or out) of the floodplain, and which Kawartha Conservation policies apply. The applicant is advised to contact Jim Shrubsall, Compliance Officer & Permitting Technician, at (705) 328-2271 ext. 250 or jim.shrubsall@kawarthaconservation.com to determine any additional requirements from Kawartha Conservation for the constructed works.

Application-Specific Comments

KRCA Memorandum of Understanding (MOU):

KRCA Permitting:

As noted, the subject property is within KRCA Regulated Area of the Watershed. Without a detailed topographic survey, Kawartha Conservation staff are unable to confirm that the existing development is outside of the floodplain associated with Pigeon Lake. The intent of Kawartha Conservation's policies is to identify hazardous lands where they exist and direct people and development to areas outside of those hazards for both their safety and protection of their investments. Staff have attached the relevant policies (pg. 107) applicable to this application as Appendix A to this letter. The applicant is to provide the floodplain (246.9 mASL) elevation plotted on a topographic survey conducted by an Ontario Land Surveyor, illustrating the constructed addition and porch in relation to the flood elevation.

KRCA staff would like to note that the decision of the Committee of Adjustment does not bind KRCA under the Conservation Authorities Act to approve the proposed works identified on the plans/drawings submitted with this application. As such, KRCA staff strongly recommends that the plans in support of the proposed development be consistent with all applications made under the *Planning Act* and the *Conservation Authorities Act*.

Fish Habitat

Pigeon Lake is considered fish habitat. Policy 2.1.8 of *Provincial Policy Statement* states,

“Development and site alteration shall not be permitted on adjacent lands (120m) to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions”.

In addition, the Ministry of Natural Resources and Forestry (MNRF) recommends a minimum vegetated buffer for fish habitat of 30 metres. Based on the Kawartha Conservation’s mapping, the existing cottage is located within the 30 metre setback and the construction of the addition has resulted in significant encroachment into the fish habitat buffer.

Based on MNRF’s direction, in cases where a site specific technical report (e.g. Environmental Impact Study) has evaluated the ecological function of the adjacent land and has demonstrated that smaller buffer widths would be appropriate to ensure no negative impacts on the fish habitat; a minimum 15 metre buffer width may be acceptable. Ultimately, redevelopment of the property closer to the shoreline, within the fish habitat buffer is contrary to provincial policy unless supported by a technical study.

It appears as though the stairs are situated approximately 16 metres from the high water mark, as shown on Drawing 002. In lieu of a technical study, staff request the applicant conduct a shoreline plantings plan consisting of native, non-invasive species to enhance the fish habitat buffer, as compensation for encroachment into the 30m fish habitat buffer.

Recommendation

Based on our review of the above information, staff can advise it **would be premature at this time for Kawartha Conservation to support this minor variance application** without confirmation that the addition and porch are situated outside of a known flood hazard; and staff recommend to the City of Kawartha Lakes that the minor variance be supported with an approach to address encroachment into fish habitat. On this basis, Kawartha Conservation staff recommend the following conditions being addressed to our satisfaction:

1. The applicant conducts an elevation (topographic) survey conducted by an Ontario Lands Surveyor (OLS) of the subject lands, illustrating the location of the flood elevation of Pigeon Lake(246.9 mASI) in relation to the location of the constructed addition and porch/deck;

2. The applicant acquires the necessary permissions, pursuant to Ontario Regulation 182/06, as amended for the constructed addition and porch/deck;
3. As part of the permissions process pursuant to Ontario Regulation 182/06, the applicant works with Enforcement and Regulations staff to develop and implement a shoreline planting plan of native, non-invasive species to enhance the fish habitat buffer, as compensation for encroachment into the 30m fish habitat buffer.

The above comments reflect our understanding, at the time of writing, of the best available data, applicable policies and regulations. I trust this meets your information requirements at this time. Should you have any questions regarding this matter, please do not hesitate to contact this office.

Yours Truly,



Kent Stainton
Resources Planner
Extension 232
Kent.stainton@kawarthaconservation.com

cc: Ron Warne, Kawartha Conservation
Jim Shrubbsall, Kawartha Conservation
David Harding, City of Kawartha Lakes
Charlotte Crockford-Toomey, City of Kawartha Lakes

Encl. Appendix A